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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

SCHUYLER A. WELLS,

Defendant.

CASE NO. 1:23-MJ-00080-EPG
STIPULATION FOR EXCLUSION OF TIME

Plaintiff United States of America, by and through its attorney of record, Assistant United States Attorney ANTONIO J. PATACA, and defendant SCHUYLER A. WELLS, both individually and by and through his counsel of record, GRIFFIN ESTES, hereby stipulate as follows:

1. The Complaint in this case was filed on July 17, 2023, and defendant first appeared before a judicial officer of the Court in which the charges in this case were pending on July 17, 2023. The court set a preliminary hearing date of July 31, 2023. ECF 4. That hearing was continued to October 26, 2023. ECF 6. The hearing was continued pursuant to a stipulation and request to continue it several more times: to January 30, 2024 (ECF 11), to May 9, 2024 (ECF 13), and then to August 8, 2024 (ECF 15).

2. By this stipulation, the parties jointly move to vacate the preliminary hearing date scheduled on August 8, 2024, and further move to schedule a hearing before the District Court on August 26, 2024, to accept the Deferred Prosecution Agreement. The parties further request that the

time between August 8, 2024, and August 26, 2024, be excluded pursuant to 18 U.S.C. § 3161(h)(2), 3161(h)(7)(A), and (h)(7)(B)(iv), Local Code T-4. Defense counsel needs additional time to prepare for the hearing and gather evidence in mitigation. The delay is also necessary to allow the defendant to continue participation in treatment. The parties further agree that the interests of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

3. Finally, the parties agree and request that this matter be scheduled for a status conference on May 27, 2026, which is 18 months from the date the Deferred Prosecution Agreement is anticipated to be accepted. The parties agree the time between August 26, 2024, and May 27, 2026, be excluded under 18 U.S.C. § 3161(h)(2).

4. The parties agree that good cause exists for the extension of time, and that the extension of time would not adversely affect the public interest in the prompt disposition of criminal cases.

IT IS SO STIPULATED.

Dated: August 5, 2024

PHILLIP A. TALBERT
United States Attorney

/s/ ANTONIO J. PATACA
ANTONIO J. PATACA
Assistant United States Attorney

Dated: August 5, 2024

/s/ GRIFFIN ESTES
GRIFFIN ESTES
Counsel for Defendant
Schuyler A. Wells

FINDINGS AND ORDER

The Court has read and considered the Stipulation for Exclusion of Time, filed by the parties in this matter on August 1, 2024. The Court hereby finds that the Stipulation, which this Court incorporates by reference into this Order, demonstrates good cause to vacate the preliminary hearing and set the matter for consideration of the Deferred Prosecution Agreement.

Furthermore, for the reasons set forth in the parties' stipulation, the Court finds that the interests of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The Court further finds that the extension of time would not adversely affect the public interest in the prompt disposition of criminal cases.

THEREFORE, FOR GOOD CAUSE SHOWN:

1. The preliminary hearing is vacated and the matter will be placed on calendar for acceptance of the Deferred Prosecution Agreement on August 26, 2024, at 9:00 a.m.

2. A status conference is scheduled for May 27, 2026. Defendant shall appear at that date and time before the Magistrate Judge on duty.

3. The time between August 8, 2024, and August 26, 2024, shall be excluded from calculation pursuant to 18 U.S.C. § 3161(h)(2), 3161(h)(7)(A) & (h)(7)(B)(iv), Local Code T-4.

4. The time between August 26, 2024, and May 27, 2026, shall be excluded under to exclude time under 18 U.S.C. § 3161(h)(2).

IT IS SO ORDERED.

Dated: August 7, 2024



THE HONORABLE JENNIFER L. THURSTON
UNITED STATES DISTRICT JUDGE